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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/652,585	08/29/2003	Stuart Wipperfurth	034664-0138	9150

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EXAMINER	
SWIATEK, ROBERT P	

ART UNIT	PAPER NUMBER
3643	

DATE MAILED: 09/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/652,585	WIPPERFURTH ET AL.	
	Examiner	Art Unit	
	Robert P. Swiatek	3643	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *29 August 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-35* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *10-16* is/are allowed.

6)☒ Claim(s) *1-9 and 17-35* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *8-29-03*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-8 are rejected under 35 U.S.C. 102(a) as being anticipated by Guo (US 2002/0185071 A1). The publication to Guo discloses a teat cup 14 including a shell 20, a liner 32 within the shell 20, and an applicator 26, 30, 76 effective to apply cleaning fluid horizontally (the top of the curved arrow intersecting the lead line for numeral 76 in Figure 6 and indicating the path of the applied fluid is horizontal) and inwardly at the top of the shell 20. With regard to claim 4, the manner in which the liner 32 of Guo has been constructed has not been given weight inasmuch as it is indistinguishable from a liner constructed by non-molding techniques. As to claim 6, applicator component 26 of Guo is locked—probably by a friction-fit in an aperture—to the shell 20.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Guo. While the Guo reference discloses only a single orifice in conjunction with the applicator, use of an applicator having a plurality of orifices would have been obvious to one skilled in the art wishing to apply the cleaning fluid more uniformly to the interior of the liner.

Claims 31, 33 are rejected under 35 U.S.C. 102(b) as being anticipated by Verbrugge (US 4,924,809: Ref. G on Information Disclosure Citation). The Verbrugge milking method comprises attaching a teat cup 23 to a cow, washing the teat with fluid—and perforce precharging the fluid lines associated with the teat cup—prior to milking, terminating the milking session, and washing the teat with a disinfecting agent (see column 3, lines 10-15, of Verbrugge).

Claims 32, 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Verbrugge. Although the Verbrugge patent doesn't discuss application of a water flush or drying air subsequent to the final washing with the disinfectant agent, this step would have been obvious to one skilled in the art wishing to dry the teat as soon as possible to prevent discomfort and chapping to the animal. As to claim 35, the precise amount of fluid employed in the precharging step also would have been obvious to one skilled in the art wishing to minimize the time and resources employed in the precharging while still accomplishing its purpose of washing the teat.

Claims 3, 8, 17-35 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. In claim 3, line 2, use of the term "or" is unclear as it does not properly limit the scope of the invention; in claim 8, line 2, claim 31, lines 6, 8, claim 32, line 3, claim 33, lines 2, 3, claim 34, line 2, and claim 35, lines 2, 4, each occurrence of "and/or" is

unclear and does not properly restrict the scope of the invention; in claim 17, lines 8, 10, it is unclear if the recited "openings" are one and the same. Moreover, in claim 17, line 10, the meaning of "dispense fluid over openings" is unclear inasmuch as claim 18 states the fluid is discharged "at a teat in the openings." In claim 23, lines 10-12, each occurrence of "the applicator" lacks a prior antecedent basis; in claim 32, line 2, "the applicator" lacks a prior antecedent basis.

Claim 34 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Claims 17-30 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

Applicants should note references A, D, F on the Information Disclosure Citation have not been checked due to possible incorrect citation of the document number.

The patent to Eriksson (US 6,591,784 B1) has been cited to provide an additional example of a teat-cleaning device.

RPS: ©703/308-2700
8 September 2004

Robert P. Swiatek
ROBERT P. SWIATEK
PRIMARY EXAMINER
ART UNIT 3643